

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 6011

BILL NUMBER: HB 1362

DATE PREPARED: Oct 2, 2001

BILL AMENDED:

SUBJECT: Driver and Passengers at Scene of Accident.

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FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill requires the driver and the other occupants of a vehicle involved in an accident resulting in the injury or death of a person to remain at the scene of the accident until released by authorities. It requires a passenger to provide necessary information and render reasonable assistance at the scene of an accident resulting in injury or death if the driver is unable to do so. The bill makes it a Class C misdemeanor for a driver to fail to give notice to authorities of an accident resulting in injury or death or to fail to remain at the scene of the accident. It makes it a Class C misdemeanor, if the driver is incapacitated, for a passenger to fail to provide necessary information and render reasonable assistance at the scene of an accident resulting in injury or death. The bill provides that a passenger who fails to remain, until released by authorities, at the scene of an accident resulting in injury or death commits a Class B infraction.

Effective Date: July 1, 2002.

Explanation of State Expenditures:

Explanation of State Revenues: The bill provides for two penalties. One is a Class C misdemeanor and the other is a Class B infraction.

Class C Misdemeanor: If additional court cases occur and fines are collected, revenue to both the Common School Fund and the State General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the State General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the State General Fund. If a criminal action, infraction, or ordinance violation involves a traffic violation, including this proposed offense, a highway work zone fee of either 50 cents or \$25.50 is assessed.

Class B Infraction: Revenue to the State General Fund may increase if infraction judgments and court fees are collected. The maximum judgment for a Class B infraction is \$1,000 which is deposited in the State

General Fund.

Explanation of Local Expenditures: A Class C misdemeanor is punishable by up to 60 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: